

**United States District Court
Central District of California**

MAY 27 2010

CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA vs.

Docket No.

CR-10-00414-RCF

Defendant Jose S. Aparicio-GuzmanSocial Security No. N o n e

akas: _____

(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
5	20	2010

COUNSEL

☒ WITH
COUNSEL
CHASE SCOLNICK

(Name of Counsel)

PLEA

☒ GUILTY, and the court being satisfied that there is a factual basis for the plea.

☐ NOLO
CONTENDERE

☐ NOT
GUILTY

FINDING

There being a finding/verdict of ☒ GUILTY, defendant has been convicted as charged of the offense(s) of:
 Count 1: Cal. Vehicle Code § 23152(b), assimilated by 18 U.S.C. § 13, driving with a blood alcohol content of .08% or higher, a Class B misdemeanor.
 Count 2: Cal. Vehicle Code § 12500(a), assimilated by 18 U.S.C. § 13, driving without a valid driver's license, a Class B misdemeanor.

**JUDGMENT
AND PROB/
COMM
ORDER**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is sentenced as follows:

IT IS THE JUDGMENT of the Court that the imposition of jail time shall be suspended and the defendant shall be placed on supervised probation for a period of three years under the following terms and conditions:

- The defendant shall comply with the rules and regulations of the Probation Office and General Order 05-02.
- The defendant shall complete 24 hours of community service, as directed by the Probation Officer.
- The defendant shall refrain from any unlawful use of a controlled substance and shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, not to exceed six tests per month as directed by the Probation Officer.
- The defendant shall limit personal alcohol consumption to not exceed a blood alcohol content (BAC) of .08% and shall submit to breathalyzer tests not to exceed four tests per month to determine if the defendant has exceed a blood alcohol content of .08%.
- The defendant shall not drive a motor vehicle with any measurable amount of alcohol in his body.

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6. The defendant shall submit to and complete tests of his breath, blood, or urine when requested by a peace officer, or as requested by the Probation Officer upon reasonable cause to believe the defendant is using illegal drugs or abusing alcohol.
7. The defendant shall enroll in, complete, and pay for a three month licensed driving-under-the-influence program, as directed by the Probation Officer.
8. The defendant shall comply with all rules and regulations of any applicable military installation and of the Department of Motor Vehicles. The defendant shall not operate any vehicle unless granted permission to do so via a valid State issued driver's license.
9. Upon payment of the fine, special assessment, and processing fee, and completion of community service and the driving-under-the-influence program, the Probation Officer shall have the discretion to implement unsupervised probation for the remainder of the probationary term. While on unsupervised probation, the defendant shall not commit another federal, state, or local crime, and shall notify the Probation Officer at least ten days prior to any change in residence or employment.
10. The defendant shall register with the Probation Office within 72 hours from the day the sentence is imposed.

IT IS FURTHER ORDERED that the defendant shall pay a fine of \$390.00, a mandatory Special Assessment of \$10.00, and a \$25.00 Processing Fee for a total of \$425.00 on or before December 31, 2010.

The defendant is advised of his right to appeal within 14 days of judgment.

The fine, special assessment, and federal processing fee shall be mailed to:

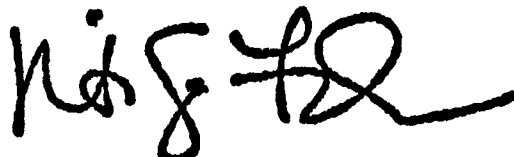
Central Violations Bureau
Post Office Box 70939
Charlotte, NC 28272-0939

IT IS SO ORDERED.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

MAY 27 2010

Date



RITA COYNE FEDERMAN
United States Magistrate Judge

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It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Terry Nafisi, Clerk

MAY 27 2010

Filed Date

By



-Debbie Fischer-

Deputy Clerk

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

- ☐ The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

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The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

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I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____

Date _____

Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

MAY 27 2010

Filed Date

By _____

Deputy Clerk

-Debbie Fischer-

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____
Defendant

Date _____

U. S. Probation Officer/Designated Witness

Date _____